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AO 187 (Rev. 7/87) Exhibit and Witness List

## UNITED STATES DISTRICT COURT

NORTHERN

DISTRICT OF

DAVID MOSS ET AL

## EXHIBIT AND WITNESS LIST

V.

MARKO PRINCIP

Case Number: 3:14-CV-3088-BF

PRESIDING JUDGE PAUL D. STICKNEY					PLAINTIFF'S ATTORNEY H. Nunn, D. Wyde, V. Vital	DEFENDANT'S ATTORNEY R. Wilson
TRIAL DATE (S) 3/28/2016 -					COURT REPORTER	COURTROOM DEPUTY L. Price
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
1		3/30/2016	1	X	Membership Agreement between Keating and Princip	
2		3/28/2016	2	X	Partnership Agreement between Moss and Princip	
3		3/30/2016	3	X	Princip Email Confirming Keating's 30% Partnership Interest	
4		4/1/2016	4	X	9/27/13 Email Between Martin and Paul Smoot	
5		4/1/2016	5	X	9/27/13 Email Between Martin and Paul Smoot	
6		4/1/2016	6	X	9/28/13 Email Between Martin and Paul Smoot	
					10/10/13 Email Between Martin and Paul Smoot	
					10/24/13 Email Between Martin and Paul Smoot	
9		4/1/2016	9	X	Lovinger Settlement (signed by Princip on 11/4/14)	
					Princip / Martin Electronic Message Exchange Regarding, Inter Alia, Lovinger Matter	
11		3/30/2016	11	X	10/23/13 Settlement Agreement and Mutual Partnership Release between Princip and Martin	
					Assumption, Release, Assignment and Indemnity Agreement	
13		3/28/2016	13	X	5/7/12 - 5/21/12 Electronic Communications Between Moss and Princip	
14		4/1/2016	14	X	5/21/12 - 6/14/12 Electronic Communications Between Moss and Princip	
					6/14/12 - 11/15/12 Electronic Communications Between Moss and Princip	
16		3/28/2016	16	X	11/15/12 - 11/19/12 Electronic Communications Between Moss and	
					7/22/12 - 1/18/12 Electronic Communications Between Moss, Princip and Andrew Lovinger	
18		3/30/2016	18	X	4/17/12 - 7/3/12 Electronic Communication Between Princip and Keating	
					11/29/12 - 4/16/14 Electronic Communication Between Princip and Keating	
20		3/30/2016	20	X	1/15/14 Email Between Keating and Princip (Admission of Partnership Interest)	
					1/15/14 - 6/18/14 Electronic Communications Between Princip, Keating and Martin	
					1/9/14 - 3/28/14 Electronic Communications Between Keating and Princip	

\* Include a notation as to the location of any exhibit not held with the case file or not available because of size.

VY  
PM

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## EXHIBIT AND WITNESS LIST – CONTINUATION

DAVID MOSS ET AL vs. MARKO PRINCIP					CASE NO. 3:14-CV-3088-BF
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESSES
					3/27/14 Email Between Keating and Princip
					3/24/14 - 3/29/14 Electronic Communications Between Keating and Princip
					3/28/14 - 6/3/14 Electronic Communications Between Keating and Princip
26		3/29/2016	26	X	6/9/14 - 8/27/14 Electronic Communications Between Keating and Princip
					5/11 Email Between Keating and Princip (Admission of Partnership Interest
28		3/29/2016	28	X	11/19/12 Electronic Communications Between Moss, Princip and Martin
					11/19/12 Electronic Communications Between Princip, Moss and Andrew Lovinger
30		3/29/2016	30	X	Electronic Communications Between Princip and Moss (Top of First Page Starts at 10:03 p.m.)
					Electronic Communications Between Princip and Moss (Top of the First Page Starts at 11:19 p.m.)
					March 14th 10:29 p.m. - April 20th 4:19 p.m. Electronic Communications Between Princip and
					Electronic Communications Involving (First Page Shows Conversation Starts at 12:55 a.m.)
					Electronic Communications Between Princip and Moss (Communication on First Page Starts at
35		3/29/2016	35	X	Electronic Communications Involving Princip (First Page Showing Friday 12:38 a.m.)
					Electronic Communications Involving Princip and Keating (Keating: "If the channel does in fact
					3/27/14 Email String Between Keating and Princip
					3/28/14 Email String Between Keating and Princip
					6/24/14 - 6/27/14 Electronic Communications Between Keating and Princip
40		4/1/2016	40	X	8/6/14 Electronic Communications Between Keating and Princip
41		4/1/2016	41	X	12/5/14 Electronic Communications Between Keating and Martin
					Electronic Communications Between Keating and Princip (Starts January 23 <sup>rd</sup> 2:40 p.m. - May 1 <sup>st</sup> )
					10/24/13 Email Between Princip and Smoot [Exhibit to Be Exchanged Upon Receipt by Plaintiff]
					Defendant Brian Martin's Responses To Plaintiffs' Request for Admissions
					All Defendant's [sic] Responses to Plaintiffs' Request for Admissions
					Estimation of Monies Owed to Moss
					2012 Form 1099 for Princip from Machinima, Inc., and Estimation of Monies Owed
					2012 Individual Tax Return for Princip
49		3/29/2016	49	X	2013 Form 1099 for Princip from Machinima, Inc., and 2013 Individual Tax Return for Princip

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## EXHIBIT AND WITNESS LIST – CONTINUATION

DAVID MOSS ET AL vs. MARKO PRINCIP					CASE NO. 3:14-CV-3088-BF
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESSES
					2014 Individual Tax Return for Princip
					1017/13 Email Between Martin and Paul Smoot
					9/30/13 Email Between Princip, Martin and Paul Smoot
53		3/30/2016	53	X	Settlement Agreement and Mutual Release (signed by Princip on 10112113), along with forward
					11/10/14 - 5/8/14 Electronic Communications Between Keating, Princip and Martin
					11/15/14 - 6/24/14 Electronic Communications Between Keating, Princip and Martin
					11/12/12 and 1/20/13 PayPal Money Transfers from Princip to Keating
					6/21/14 Electronic Communications Between Princip and Keating
58		4/1/2016	58	X	Market Publication/Compilation Regarding Video Games YouTube Channel (Social Blade
					Market Publication/Compilation Regarding Video Games YouTube Channel (YouTube
					Market Publication/Compilation Regarding Video Games YouTube Channel (YouTube
					Compilation of Payments from Machinima and Lovinger to Video Games YouTube Channel
62		4/1/2016	62	X	9/25/13 Email Between Martin and Paul Smoot
					9/28/13 Email Between Martin and Paul Smoot
					Defendant's Responses to Plaintiff's Second Set [sic] Admissions &
					Rule 1006 Summary of Voluminous Electronic Communications
					Rule 1006 Summary of Voluminous Electronic Communications
67		4/1/2016	67	X	Demand Letter from Moss to Princip
68		3/31/2016	68	X	Messages Between Keating and Martin
69		3/31/2016	69	X	Email dated 9/25/13
	1				Partnership Agreement dated 05/21/2012
	2	3/29/2016	A	X	Demand letter from Hillary Cochrane, attorney dated 02/11/2013
	3	3/29/2016	B	X	Emails from Marko Princip to David Tyler Moss concerning termination
	4				Response letter from Attorney Kevin Ross to Plaintiffs attorney dated
	5	3/30/2016	H	X	Response email from Plaintiffs attorney to Defendant's attorney dated 05/21/13
	6				Defendants reserve the right to use Affidavits of any party or witness previously filed in this case
	7				Defendants reserve the right to use any pleadings filed by Plaintiffs in this case

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## EXHIBIT AND WITNESS LIST – CONTINUATION

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